

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GORDON FRANKLIN, JR.,)	
)	
Petitioner,)	
)	
vs.)	No. 07-3151-CV-S-RED
)	
VETERAN'S ADMINISTRATION,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b).

Petitioner has filed an action purportedly against the Veteran's Administration. He has submitted no filing fee and is therefore seeking to proceed in forma pauperis.

The Court notes, initially, that petitioner has been committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4246. United States v. Franklin, No. 90-3445 (W.D.Mo. 1990). He has twice been conditionally released from that commitment, and both releases were revoked because petitioner violated conditions of his release. Annual reports have been submitted regarding the appropriateness of continued mental health treatment, as required by 18 U.S.C. § 4246(e)(B). Petitioner's commitment is lawful.

The claims asserted in this matter are incomprehensible, and the petitioner has on three or more occasions attempted to bring actions in a Court of the United States that were dismissed on

grounds that they were frivolous, malicious or failed to state a claim. See 01-3014; 05-3105; 07-3171, and 07-3199. He does not allege that he is in imminent danger or serious physical injury. 28 U.S.C. § 1915(g). It is therefore

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis; and it is further

RECOMMENDED that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: July 17, 2007